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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALD M. GAGICH,

Plaintiff(s),

v.

PENNYMAC LOAN SERVICES,
LLC., et al.,

Defendant(s).

2:14-CV-300 JCM (VCF)

ORDER

Presently before the court is defendant PennyMac Loan Services, LLC's ("PennyMac") motion to expunge *lis pendens*. (Doc. # 20). Though the deadline has passed, plaintiff has not filed a response.

This case involved defective foreclosure and slander of title claims by plaintiff Gerald Gagich against defendants PennyMac and National Default Servicing Corporation. On April 25, 2014, the court entered judgment in favor of defendants. (Doc. # 34). Defendant PennyMac now moves for the court to expunge the *lis pendens* affecting the property at issue in this case.

Nev. Rev. Stat. 14.015(3) provides that a party who records a notice of *lis pendens* must establish to the satisfaction of the court either:

(a) That the party who recorded the notice is likely to prevail in the action; or

(b) That the party who recorded the notice has a fair chance of success on the merits in the action and the injury described in paragraph (d) of subsection 2 would be sufficiently serious that the

1 hardship on him or her in the event of a transfer would be greater
2 than the hardship on the defendant resulting from the notice of
pendency. . . .

3
4 Because the court entered final judgment in favor of defendants, plaintiff has no likelihood
5 of success on the merits of his claims. Thus, defendant PennyMac's motion will be granted.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant PennyMac's
8 motion to expunge *lis pendens* (doc. # 20) be, and the same hereby is, GRANTED.

9 DATED April 30, 2014.

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12 UNITED STATES DISTRICT JUDGE
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